

**SUMMARY REPORT OF INVESTIGATION****I. EXECUTIVE SUMMARY**

Date of Incident:	July 22, 2015
Time of Incident:	9:00 PM
Location of Incident:	XXXX W. 87 <sup>th</sup> Place, Hometown, IL
Date of COPA Notification:	September 11, 2017
Time of COPA Notification:	11:54 AM

On July 22, 2015, at the corner of XXXX W. 87<sup>th</sup> St., in a church parking lot, at or around 9:00 PM, Subject 1 (“Subject 1”) was sitting in a green van when he was approached by plainclothes CPD personnel Sgt. A, (“Sgt. A”), Star #XXX, Detective B, (“Det. A”), Star #XXXX, and Officers A, (“Officer A”), Star #XXXX, Officer B, (“Officer B”), Star #XXXX, and Officer C, (“Officer C”), Star #XXXX of the Gang Investigation Division. Subject 1 was a wanted suspect for a shooting that occurred earlier that day. Subject 1 then fled in the green van southbound across 87<sup>th</sup> Street, hitting a passenger vehicle. Subject 1 then ran from the van and fled on foot southbound into Hometown, IL. The officers caught up to Subject 1, and he surrendered. Subject 1 alleges that while he was lying prone on the ground, the officers proceeded to kick, punch and hit him about the body. The Civilian Office of Police Accountability (“COPA”) reviewed these allegations and recommends that they be Unfounded.<sup>1</sup>

**II. INVOLVED PARTIES**

Involved Officer #1:	Sgt. A, Star #XXXX, Employee #XXXX, DOB: XX/XX/66, DOA: XX/XX/95, Rank: Sergeant, Unit of Assignment: (XXX) Gang Investigation Division, Male, Hispanic
Involved Officer #2:	Officer A, Star #XXXX, Employee #XXXX, DOB: XX/XX/79, DOA: XX/XX/02, Rank: Police Officer, Unit of Assignment: (XXX) Gang Investigation Division, Male, Black
Involved Officer #3	Detective A, Star #XXXX, Employee #XXXX, DOB: XX/XX/68, DOA: XX/XX/94, Rank: Detective, Unit of

<sup>1</sup> On September 15, 2017, the Civilian Office of Police Accountability (COPA) replaced the Independent Police Review Authority (IPRA) as the civilian oversight agency of the Chicago Police Department. Thus, this investigation, which began under IPRA, was transferred to COPA on September 15, 2017, and the recommendation(s) set forth herein are the recommendation(s) of COPA.

	Assignment: (XXX) Gang Investigation Division, Male, White
Involved Officer #4	Officer B, Star #XXXX, Employee #XXXX, DOB: XX/XX/72, DOA: XX/XX/95, Rank: Police Officer, Unit of Assignment: (XXX) Gang Investigation Division, Male, White Hispanic
Involved Officer #5	Officer C, Star #XXXX, Employee #XXXX, DOB: XX/XX/75, DOA: XX/XX/00, Rank: Police Officer, Unit of Assignment: (XXX) Gang Investigation Division, Male, White
Involved Officer #6	Officer B, Star #XXXX, Employee #XXXX, DOB: XX/XX/64, DOA: XX/XX/94, Rank: Police Officer, Unit of Assignment: (XXX) Airport Law Enforcement-South, Male, White
Subject #1:	Subject 1, DOB: XX/XX/83, Male, White Hispanic

### **III. ALLEGATIONS**

<b>Officer</b>	<b>Allegation</b>	<b>Finding</b>
Sgt. A	1. It is alleged that on or about July 22, 2015, at XXXX W. 87 <sup>th</sup> St., Hometown, IL, at approximately 9:00 PM, Sgt. A kicked, punched, and hit upon the body of Subject 1 causing injury in violation of Rules 8 and 9.	Unfounded
Officer A	1. It is alleged that on or about July 22, 2015, at XXXX W. 87 <sup>th</sup> St., Hometown, IL, at approximately 9:00 PM, Officer A kicked, punched, and hit upon the body of Subject 1 causing injury in violation of Rules 8 and 9.	Unfounded
Detective A	1. It is alleged that on or about July 22, 2015, at XXXX W. 87 <sup>th</sup> St., Hometown, IL, at approximately 9:00 PM, Detective A kicked, punched, and hit upon the body of Subject 1 causing injury in violation of Rules 8 and 9.	Unfounded
Officer B	1. It is alleged that on or about July 22, 2015, at XXXX W. 87 <sup>th</sup> St., Hometown, IL, at approximately 9:00 PM, Officer B kicked, punched, and hit upon the body of Subject 1 causing injury in violation of Rules 8 and 9.	Unfounded

Officer C	1. It is alleged that on or about July 22, 2015, at XXXX W. 87 <sup>th</sup> St., Hometown, IL, at approximately 9:00 PM, Officer C kicked, punched, and hit upon the body of Subject 1 causing injury in violation of Rules 8 and 9.	Unfounded
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#### IV. APPLICABLE RULES AND LAWS

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##### Rules

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1. **Rule 8:** Disrespect to or maltreatment of any person while on or off duty.
  2. **Rule 9:** Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
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#### V. INVESTIGATION

COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

##### a. Interviews

On November 1, 2017, complainant Subject 1 (“Subject 1”), gave an audio recorded interview to COPA at the Cook County Department of Corrections. Subject 1 stated that on July 22, 2015, near 87<sup>th</sup> and Kolin, he was sitting in a green van in a church parking lot.<sup>2</sup> Subject 1 stated the vehicle belonged to a friend. Subject 1 stated he was unsure how long he sat there in the vehicle. Subject 1 refused to answer how he encountered CPD officers in the church parking lot. Subject 1 stated that CPD personnel did not identify themselves as police officers. Subject 1 stated he knew CPD officers were looking for him because he had outstanding traffic warrants. Subject 1 stated he took off running, jumped a fence, and there was one cop chasing him. Subject 1 stated he ran southbound across 87<sup>th</sup> St., from the church parking lot, into Hometown, IL. Subject 1 described the vehicle following him as an SUV with tinted windows. Subject 1 stated he got into the next block and that one cop tried to run him over. Subject 1 stated he was tired and gave up running. Subject 1 stated at that point, he got down on his knees and surrendered.

Subject 1 stated he laid down and the officers handcuffed him. Subject 1 stated after he laid on the ground and was handcuffed, the accused officers all started to beat him up. Subject 1 stated the officers started kicking him and punching him. Subject 1 stated he did not know how many officers hit him but he felt a lot of people, and he was trying to cover his face even though he was handcuffed. Subject 1 stated the officers were hitting him with closed fists, stomping,

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<sup>2</sup> The church address is XXXX W. 87<sup>th</sup> St., Chicago, IL

and kicking him. Subject 1 stated the officers kicked him in the back, all over his body, in his side, head and legs. Subject 1 stated his head was split and he had a big black eye. Subject 1 also stated his face was swollen and he had blood all down his face. Subject 1 stated EMS was called and he received treatment from EMS personnel after he was taken back by the CPD officers to 87<sup>th</sup> St and Kolin. Subject 1 stated that the accused officers told him that if he went to the hospital, they would beat him up again. Subject 1 stated he was then transported to the Area Central Detective Division. Subject 1 stated he requested medical attention while in detention at the 2<sup>nd</sup> District because of his stomach and he was taken to Mercy Hospital. Subject 1 stated at the hospital, he told medical personnel he was beaten up by the police. Subject 1 stated after receiving medical attention he was transported back to the 2<sup>nd</sup> District, and then to the Cook County Department of Corrections.<sup>3,4,5</sup>

On March 16, 2018, witness Paramedic-In-Charge A, (“Paramedic A”), gave COPA an audio recorded interview. Paramedic A stated on July 22, 2015 he was working Ambulance #XX with Paramedic J. Paramedic B (“Paramedic B”). Paramedic A stated he did not have any independent recollection of being dispatched to XXXX S. Kostner Ave. When asked about the Chicago Fire Department (“CFD”) Run Sheet generated with respect to this incident, Paramedic A stated that typically the Ambulance Report<sup>6</sup> is completed when an ambulance transports an individual needing medical treatment to the hospital. Paramedic A stated the CFD Ambulance Report indicates Subject 1 was transported by ambulance to Little Company of Mary Hospital. Paramedic A stated the report shows Officer C rode in the ambulance with Subject 1 since he was in police custody.<sup>7</sup>

On March 16, 2018, witness Paramedic B, (“Paramedic B”), gave COPA an audio recorded interview. Paramedic B stated she had no independent recollection of her duty status, the nature of the ambulance run, or condition of the Subject 1 on July 22, 2015. Paramedic B stated Paramedic A completed the Chicago Fire Department Ambulance Report.<sup>8</sup> PM Paramedic B stated while she has no independent recollection of the events, if Subject 1 was under police custody, it is Chicago Fire Department policy that an officer is in the ambulance while transporting the subject to the hospital.<sup>9</sup>

On February 7, 2018, witness Officer D (“Officer D”), Star #XXXX, gave COPA an audio recorded interview. On July 22, 2015, Officer D stated he was driving in his personal vehicle westbound on 87<sup>th</sup> St., heading to his duty assignment at Midway Airport. Officer D

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<sup>3</sup> On the advice of legal counsel present with Subject 1, he refused to answer some questions during his COPA interview.

<sup>4</sup> On March 16, 2018, Subject 1 plead guilty in Cook County Circuit Court to Aggravated Battery and Felon in Possession of a Firearm #17CRXXXX.

<sup>5</sup> Attachment 21

<sup>6</sup> Attachment 45

<sup>7</sup> Attachment 46

<sup>8</sup> Attachment 45.

<sup>9</sup> Attachment 47

stated he was struck by a vehicle, later identified as being driven by Subject 1, coming out of a church parking lot at 87<sup>th</sup> and Kolin. Officer D stated Subject 1's vehicle careened off his car and into a parked semi-trailer truck. Officer D stated, Subject 1 got out, and he parked in front of the parked semi-truck to get out of the street, and saw other police officers chasing Subject 1 in a vehicle and on foot. Officer D stated he knew the persons chasing Subject 1 were police officers because they announced their office and he saw blue lights. Officer D stated Subject 1 went through some yards and then he lost sight of him. Officer D stated he followed Subject 1 on foot southbound through the same yards. Officer D stated when he got to 87<sup>th</sup> Place, Subject 1 was on the ground getting handcuffed by two police officers. Officer D stated he walked up to Subject 1, and he told him that he was a police officer and he hit his car. Officer D stated after Subject 1 was picked up from the ground, he immediately felt the pain in his neck. Officer D stated the officers at the arrest location asked if he was alright, and he told them he was feeling pain in his neck. Officer D also stated he felt pain in his chest and knee. Officer D stated the officers placed him in their vehicle and conveyed him back to his vehicle and waited for the paramedics. Officer D stated he did not see any police officers hit, kick or punch Subject 1. Officer D stated there was no struggle from Subject 1 while he was being arrested. Officer D stated he did not observe any injuries to Subject 1.<sup>10</sup>

On January 17, 2018, accused Officer A ("Officer A"), Star #XXXX provided a recorded statement to COPA. Officer A stated he was wearing plainclothes and driving alone in a CPD issued covert vehicle. Officer A stated he was part of a team that included Sgt. A, Det. A, Officer B, and Officer C. Officer C stated the team was looking for Subject 1. Officer A stated the team was looking for Subject 1 because he had allegedly shot two people earlier in the day during a confrontation. Officer A stated he believed there was an investigative alert to apprehend and arrest Subject 1 regarding the shooting earlier that day. Officer A stated the team had received information from Subject 1's girlfriend's mother describing the vehicle Subject 1 was driving, and that Subject 1 was returning to the area. Officer A stated he first observed Subject 1 on 87<sup>th</sup> St. and Kolin, while sitting in his covert vehicle, in the church parking lot where cars were parked. Officer A stated Subject 1 drove into a parking lot in a green van. Officer A stated his seat was down so that he was hidden if someone looked in the vehicle. Officer A stated that as the dome light came on in the van, he could clearly see it was Subject 1. Officer A stated he got on the car-to-car radio and informed his team of Subject 1's location. Officer A stated an enforcement vehicle came up behind Subject 1, and activated the emergency lighting. Officer A stated Subject 1 then took off and attempted to flee in the van.

Officer A stated Subject 1 pulled onto 87<sup>th</sup> St. into on-coming traffic, causing a multi-car accident. Officer A stated he exited his vehicle and ran to the van. Officer A stated Subject 1 by now had proceeded southbound across 87<sup>th</sup> St. Officer A stated Subject 1 ran into some gangways and then disappeared. Officer A stated he pursued Subject 1 on foot, searching yards

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<sup>10</sup> Attachment 42

with several members of his team. Officer A stated while this was occurring, other members of his team communicated via radio they had found Subject 1. Officer A stated he proceeded back across 87<sup>th</sup> St. to look for the van. Officer A Stated Subject 1's girlfriend had moved the vehicle. Officer A stated he and several members of the team found and secured the van, recovering a firearm. Officer A stated Sgt. A and Officer C had Subject 1 in custody, and brought him back to the scene. Officer A stated he was not present at the location where Sgt. A and Officer C arrested Subject 1. Officer A stated the scene where Subject 1 abandoned his vehicle, was hectic because of the accident and some people were hurt. Officer A stated Sgt. A called for EMS, asked him to stand by with the enforcement vehicles, and control Subject 1's movements to prevent escape. Officer a stated one of the injured was an off-duty CPD police officer, identified as Officer D. Officer A stated officers from the Hometown, IL Police Department showed up, but he could not recall if any CPD members came to the location. Officer A stated he could not recall if Subject 1 had any injuries because he did not have any interaction with Subject 1. Officer A stated Subject 1 was taken to the hospital for medical attention. Officer A stated he believed Subject 1 had some injuries possibly from the accident or from the confrontation he had earlier that day.

Officer A stated he did not kick or stomp Subject 1 while he was on the ground. Officer A stated he did not kick Subject 1 in the head forcing it to hit the curb while he was on the ground. Officer A stated he did not place Subject 1 in a chokehold. Officer A stated he did not strangle or choke Subject 1. Officer A stated he did not observe the members of his team kick, stomp, or use any excessive force against Subject 1.<sup>11</sup>

On January 24, 2018, accused Detective A ("Det. A"), Star #XXXX, gave COPA an audio recorded interview. Det. A stated on July 22, 2015, he was assigned to the Gang Investigations Division. Det. A stated he was wearing plainclothes and driving in an unmarked vehicle. Det. A stated he was around 87<sup>th</sup> St. and Kildare on surveillance, for a couple of hours, awaiting the arrival of Subject 1 at a residence. Det. A stated he and his team had received information from the mother of Subject 1's girlfriend saying when he would arrive at the home. Det. A stated Subject 1 had been involved in a shooting earlier that date. Det. A stated an investigative alert existed for Subject 1's arrest in that shooting, along with other outstanding arrest warrants.

Det. A stated Subject 1 pulled up in a green mini-van in a church parking lot near the address he and other members of his team were waiting. Det. A stated at that point Subject 1 must have noticed something because he took off in his van. Det. A stated Subject 1 fled southbound in the mini-van through the church parking lot. Det. A stated Subject 1 continued across 87<sup>th</sup> St., struck an oncoming vehicle driven by an off-duty CPD officer, identified as Officer D, lost control, and hit a parked semi-truck. Det. A stated Subject 1 continued to flee on foot southbound across 87<sup>th</sup> St. and into the yards for approximately one or two blocks in

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<sup>11</sup> Attachment 37

Hometown, IL. Det. A stated when he came upon Subject 1, he was already arrested by Sgt. A and Officer C and being placed in the backseat of Officer C's vehicle by Sgt. A. Det. A stated after Subject 1's apprehension, officers from the Hometown, IL Police Department arrived at the location along with ambulances. Det. A stated he observed a little cut across Subject 1's forehead. Det. A stated he did not know if Subject 1's forehead injury occurred prior to, or was a result of the accident. Det. A stated he and Officer C drove Subject 1 to the Little Company of Mary Hospital. Det. A stated after Subject 1 received medical treatment, he and Officer C conveyed him for questioning at the Area Central Detective Division.

Det. A stated at no time did he kick or stomp Subject 1 in the head or body. Det. A stated he did not see other team members kick or stomp Subject 1 in the head or body. Det. A stated he did not see Officer A choke, strangle, or place his hands on the neck area of Subject 1. Det. A stated he did not see Subject 1 struck with a foot in the head, causing him to hit his head on the curb. Det. A stated he did not see any use of force against Subject 1.<sup>12</sup>

On January 25, 2018, accused Sergeant A ("Sgt. A"), Star #XXX, gave COPA an audio recorded interview. Sgt. A stated July 22, 2015, he was assigned and supervising the Area Central Homicide Team, Gang Investigations Division. Sgt. A stated the members of his team that day were Det. A, Officer A, Officer B, and Officer C. Sgt. A stated he was wearing plainclothes and driving in an unmarked vehicle. Sgt. A stated that day he was looking for Subject 1. Sgt. A stated he was informed by Area Central detectives Subject 1 was identified as a suspect in a shooting earlier in the day. Sgt. A stated that Subject 1 also had several miscellaneous warrants outstanding as well. Sgt. A stated the team had received information from Subject 1's girlfriend's mother that Subject 1 occasionally stayed at the home and would be arriving there that date. Sgt. A stated he initially observed Subject 1 near 87<sup>th</sup> and Kolin Ave. Sgt. A stated he was in his vehicle facing westbound on 87<sup>th</sup> St., east of Kolin Ave. Sgt. A stated he observed a green van driving through a church parking lot on the northwest corner of 87<sup>th</sup> St. and Kolin Ave. at a high rate of speed and crash into a car traveling westbound on 87th. Sgt. A stated the van careened off that car and crashed into a semi-truck parked in front of the church, on the northside of the street. Sgt. A stated he observed Subject 1 exit the van and begin running in a southwest direction towards Hometown. Sgt. A stated he recognized Subject 1 from his picture, his previous arrest and then used his vehicle to pursue Subject 1.

Sgt. A stated he pursued Subject 1 for a couple of blocks then pulled his vehicle in front of him to cut off his avenue of escape. Sgt. A stated Subject 1 complied when directed to lie on the ground. Sgt. A stated he placed Subject 1's hands behind his back, handcuffed him, and helped him off the ground placing him in an unmarked vehicle. Sgt. A stated Subject 1 complied with his commands and that physical force was not used in effecting Subject 1's arrest. Sgt. A stated he was assisted by Officer C in effecting Subject 1's arrest. Sgt. A stated he returned to the site near the church parking lot to evaluate the victim in the car that Subject 1 hit, identified

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<sup>12</sup> Attachment 38

as an off-duty CPD police officer, Officer D, and the three small children in the van Subject 1 drove. Sgt. A stated he summoned EMS for everyone that was involved in the accident. Sgt. A stated several ambulances arrived to evaluate everyone at the scene. Sgt. A stated Det. A and Officer C conveyed Subject 1 to Little Company of Mary Hospital. Sgt. A stated this occurred due to the lack of available ambulances and the time to triage the accident victims. Sgt. A stated after Subject 1 received medical treatment, Officer C and Det. A conveyed Subject 1 to Area Central Detective Division for further investigation. Sgt. A stated Subject 1 had a small abrasion over his left eyebrow and a small scratch on the tip of his nose. Sgt. A stated it was possible that either the altercation prior to the shooting, or the vehicle accident while fleeing to avoid arrest could have led to Subject 1's facial injuries. Sgt. A stated he did not kick, punch or strike Subject 1. Sgt. A also stated Officer C, who assisted in arresting Subject 1, did not kick, hit or strike him. Sgt. A stated he did not see any members of his team punch, hit or kick Subject . Sgt. A stated he did not see Officer A have any physical contact with Mr. Subject 1.<sup>13</sup>

On January 25, 2018, accused Officer B ("Officer B"), Star #XXXX, gave COPA an audio recorded interview. Officer B stated on July 22, 2015, he was assigned to the Gang Investigation Division. Officer B stated his team that day consisted of himself, Det. A, Officer A, Officer C and Sgt. A. Officer B stated he was wearing plainclothes and driving in an unmarked vehicle. Officer B stated he was working a follow-up aggravated battery-shooting investigation involving Subject 1. Officer B stated Subject 1 had been in a fight earlier the morning of July 22, 2015. Officer B stated Subject 1 had allegedly been hit in the face with a pipe, and allegedly went to get a handgun and shot the individual that struck him with the pipe. Officer B stated that an investigative alert existed for Subject 1 regarding his involvement in a shooting earlier that day. Officer B stated he and Det. A were on surveillance based upon information from Subject 1's girlfriend's mother that said Subject 1 would return to the area. Officer B stated he first saw Subject 1 drive an Astro van into a church parking lot in the 8600 block of SouthKolin Ave. Officer B stated he and Det. A were on foot, and observed Subject 1 in the church parking lot. Officer B stated he and Det. A were walking westbound from Kolmar Ave towards the church parking lot anticipating Subject 1 would exit the vehicle and they would apprehend him. Officer B stated Subject 1 never exited the vehicle on foot. Officer B stated Officer C was contacted via encrypted communications, and informed Subject 1 was in the vehicle in the church parking lot.

Officer B stated Officer C approached the church parking lot in his vehicle. Officer B stated, Subject 1 sped off at a high rate of speed. Officer B stated Subject 1 drove southbound from the church parking lot. Officer A stated Subject 1 made it to 87<sup>th</sup> Street, less than half-a-block, and struck two vehicles, a passenger vehicle and then a truck. Officer B stated an off-duty police officer, identified as Officer D, on his way to work was injured when Subject 1 hit his passenger vehicle. Officer B stated Subject 1 then fled southbound on foot, across 87<sup>th</sup> St., into Hometown, IL. Officer B stated he pursued Subject 1 on foot. Officer B stated he momentarily

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<sup>13</sup> Attachment 39

lost visual contact of Subject 1, but still followed him in the direction he fled. Officer B stated when he arrived on foot near 87<sup>th</sup> Place, he observed Sgt. A placing Subject 1 into custody. Officer B stated Subject 1 was on his stomach on the ground, hands behind his back, with Sgt. A handcuffing him. Officer B stated Officer C was present with Sgt. A when Subject 1 was arrested. Officer B stated once he saw the scene was secure, and there was no risk to fellow officers or anyone on the street, he ran back to the intersection of 87<sup>th</sup> and Kolmar to secure the vehicle. Officer B stated he wanted to secure Subject 1's vehicle because a handgun used in the earlier shooting that day might be inside. Officer B stated when he got to the location, the vehicle was not there. Officer B stated he later learned Subject 1's vehicle was moved by his girlfriend and hidden behind the church.

Officer B stated ambulances were called for Subject 1, the children inside the vehicle when he fled and had the accident, and the injured off-duty CPD officer. Officer B stated he believed at that time Subject 1 refused medical treatment, but shortly after claimed he wanted medical attention and was conveyed by Officer C and Det. A to Little Company of Mary Hospital. Officer B stated he did not observe any injuries to Subject 1 at that time. Officer B stated after Subject 1 was treated at Little Company of Mary Hospital, he was taken to the Area Central Detective Division.

Officer B stated at no time did he hit, kick or punch Subject 1. Officer B stated at no time did he have physical contact with Subject 1. Officer B stated at no time did he see any of his team members hit, kick or punch Subject 1. Officer A stated at no time did he see any physical force used against Subject 1 to force compliance with his arrest. Officer B did not recall at any other juncture Subject 1 requesting medical attention after being treated at Little Company of Mary Hospital.<sup>14</sup>

On January 30, 2018, accused Officer C ("Officer C"), Star #XXXX, gave COPA an audio recorded interview. Officer C stated on July 22, 2015, he was assigned to the Gang Investigations Division. Officer C stated he was in plainclothes and working alone, driving an unmarked Ford Explorer. Officer C stated the team members besides himself that day were Officer B, Det. A, Officer A, and Sgt. A. Officer C stated on that day he received information from a member of his team, possibly Officer B, that they were going to sit on a house. Officer C stated Subject 1 had been identified as the person who shot someone in the back earlier in the day. Officer C stated there was probable cause to arrest Subject 1 based upon Subject 1's identification in a photo array by the detective handling the shooting investigation.

Officer C stated his first encounter with Subject 1 was at XXXX S. Kolin Ave. Officer C stated the team had intelligence that Subject 1 would be near that location that day. Officer C stated Officer A, through hand-held CPD issued phones, made him aware of Subject 1 in a church parking lot driving a green van. Officer C stated he pulled up in his vehicle and activated

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<sup>14</sup> Attachment 41

his emergency equipment. Officer C stated there was a white female with blonde hair standing outside the van. Officer C stated the van pulled out heading southwest onto 87<sup>th</sup> St. at an angle, then hit a car going westbound on 87<sup>th</sup>. Officer C stated Subject 1's van bounced off the car and then hit a parked semi-trailer or truck. Officer C stated Subject 1 jumped out of the van. Officer C stated he was on foot at that time but jumped back into his vehicle, perused the area, and saw Subject 1 running, so he stayed in his car.

Officer C stated he saw Subject 1 running through the gangway into Hometown, IL, and that he momentarily lost sight of Subject 1. Officer C stated he was attempting to drive parallel to Subject 1, and that he drove through an unknown side street in Hometown, IL, then turned onto 87<sup>th</sup> Place. Officer C stated as he drove onto 87<sup>th</sup> Place, he saw Subject 1 running towards him. Officer C stated he pulled his weapon and told Subject 1 to get on the ground. and then Sgt. A came up in a covert vehicle, jumped out of the vehicle and handcuffed him. Officer C stated he and Sgt. A placed Subject 1 in Officer C's vehicle and returned to the location of the accident. Officer C stated Det. A may have joined him and Sgt. A at the scene of Subject 1's arrest. Officer C stated there were injuries to an off-duty CPD officer, resulting from Subject 1 hitting his vehicle. Officer C stated there were three children sitting in lawn chairs in the back of the van when Subject 1 drove onto 87<sup>th</sup> St resulting in an accident. Officer C stated ambulances were called to the scene. Officer C stated as a precautionary measure, he and Det. A conveyed Subject 1 to Little Company of Mary Hospital. Officer C stated he observed a little nick on Subject 1's head. Officer C stated while at the hospital, Subject 1 may have told hospital staff he received the head injury earlier in the day, but he was not sure. Officer C stated he and Det. A conveyed Subject 1 to the Area Central Detective Division after receiving medical treatment. Officer C stated he did not hit, kick or punch Mr. Subject 1. Officer C stated Det. A or Sgt. A did not hit, kick or punch Subject 1.<sup>15</sup>

### b. Physical Evidence

The **CFD Ambulance Report** states on July 22, 2015, Subject 1 received medical attention from CFD Ambulance 17, Paramedic A and Paramedic B, responding to a dispatched medical run to XXXX S. Kostner Ave. on an injured victim. The report states Subject 1 had been involved in a motor vehicle accident and had a bleeding knee and abdominal pain, and wanted to go to the hospital. CFD Ambulance 17, accompanied by Officer C, transported Subject 1 to Little Company of Mary Hospital.<sup>16,17</sup>

**Medical records** from Little Company of Mary Hospital state on July 22, 2015, Subject 1 was brought into the Emergency Services Department with a complaint of chronic abdominal

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<sup>15</sup> Attachment 40

<sup>16</sup> Attachment 45

<sup>17</sup> On April 12, 2018, Sgt. A, Det. A, and Officer C gave follow-up interviews to COPA regarding the CFD Ambulance Report. All parties stated they stand by their initial statements regarding the transport of Subject 1 to Little Company of Mary Hospital on July 22, 2015.

pain, and multiple abrasions from a previous altercation. The report also states Subject 1 told medical personnel that the laceration he sustained to his forehead at the medial canthus of the right eyebrow occurred before he was arrested. The records state that upon arrest, Subject 1 complained of intermittent abdominal pain. The records indicate that Subject 1 stated to hospital medical personnel the intermittent abdominal pain has been going on for years. The records indicate that Subject 1 also complained of mid back pain and a headache. The medical records show Subject 1 was treated and returned to the custody of the Chicago PD.<sup>18</sup>

**Medical records** from Mercy Hospital state on July 25, 2015, Subject 1 was transported from the 2<sup>nd</sup> District to Mercy Hospital complaining of abdominal pain. Medical records state Subject 1 told hospital medical personnel he had abdominal pain. The medical records indicate that Subject 1 stated it was a chronic condition he has had for years and that the condition had flared up in the past few days with nausea and vomiting. The records state that Subject 1 was treated and returned to the custody of the Chicago PD.<sup>19</sup>

#### c. Documentary Evidence

**The Office of Emergency Management and Communications Event Query Report# XXXX** indicates that at 87<sup>th</sup> and Kolin, a wanted offender, later identified as Subject 1, took off and hit an off-duty police officer. The event query report also indicates that EMS units were called for children that were in the van driven by Subject 1 when he fled, and the off-duty police officer, identified as Officer D, hit in his car by the fleeing offender, complaining of chest pains. The event query report shows police officers from the 8<sup>th</sup> District responded to the location, with Beat no. XXX doing the paperwork for the accident report.<sup>20</sup>

**The CPD Arrest Report CB# XXXX** states on July 22, 2015, at approximately 9:00 PM, the arresting officers, Officers B, A, C, Sgt. A and Det. A, arrested Subject 1 after he was positively identified as the individual who shot the victim, Victim 1, in the lower back. The arrest report states the arresting officers also had knowledge of an investigative alert with probable cause to arrest Subject 1 for the shooting. The report states that while attempting to apprehend Subject 1, he fled in a green over green Chevrolet Astro-Van, striking two vehicles in the process. The arrest report states Subject 1 then fled on foot. A short foot chase ensued and the offender Subject 1 was placed into custody at XXXX 87<sup>th</sup> Place, Hometown, IL. The arrest report states a search of Subject 1's vehicle revealed a Ruger 9 MM semi-auto pistol containing eleven live rounds.<sup>21</sup>

#### d. Additional Evidence

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<sup>18</sup> Attachment 48

<sup>19</sup> Attachment 26

<sup>20</sup> Attachment 25

<sup>21</sup> Attachment 5

Subject 1 has pending civil litigation regarding his complaint in the U.S. District Court, Northern District of Illinois, Eastern Division.<sup>22</sup>

## VI. ANALYSIS

Rules 8 and 9 of the Rules and Regulations, Chicago Police Department, conjointly, prohibit the use of any excessive force by any member. These rules prohibit all brutality, and physical or verbal maltreatment of any citizen while on or off duty, including any unjustified altercation of any kind. Subject 1 alleges that on July 22, 2015, Sgt. A, Det. A, and Officers A, C and B, while effecting his arrest, hit, kick, and punched his body as he lay prone on the ground. After his arrest, the CPD officers assert that they transported Subject 1 to Little Company of Mary Hospital for treatment. While the CFD Ambulance Report indicates CFD personnel transported Subject 1, CPD personnel describe the accident location as a hectic scene in which multiple ambulances responded to treat multiple victims. Therefore, it is plausible that CPD officers transported Subject 1, after he initially refused treatment, to Little Company of Mary Hospital, despite the statements of the CFD paramedics.

COPA's evaluation of the evidence came down to a credibility assessment involving the accused officers and Subject 1. At the hospital, Subject 1 told emergency room personnel that he received abrasions, and a laceration to his forehead at the right eyebrow, prior to his arrest. Earlier that day, Subject 1 was involved in a physical altercation with an individual in which he was hit in the head with a pipe. Subject 1 was also in a traffic accident fleeing arrest from CPD officers as a wanted suspect in a retaliatory shooting from being hit in the head with the pipe. Additionally, Subject 1 told emergency room personnel his intermittent abdominal pain was a chronic condition he suffered for years. At no point while at Little Company of Mary Hospital did he state his injuries were inflicted by Sgt. A, Det. A, and Officers A, C and B while effecting his arrest.<sup>23</sup> Two days later, while still detained at the 2<sup>nd</sup> District, Subject 1 again complained of abdominal pain and was conveyed to Mercy Hospital. At that hospital, Subject 1 told medical personnel that the abdominal pain was a chronic condition. At no juncture did Subject 1 tell Mercy Hospital medical personnel that his physical condition was a result of being hit, kicked and punched upon his body by Sgt. A, Det. A, and Officers A, C and B.<sup>24</sup> Similarly, Subject 1 made no allegations of excessive force to supervisory or detention personnel while detained at the 2<sup>nd</sup> District. The accused officers' statements coincide with the medical reports from two hospitals and the fact that Subject 1 did not say his injuries were the result of the officers kicking, punching, and hitting upon his body. In addition, the evidence reveals that Subject 1 only made his allegations of excessive force approximately two years after the alleged incident when he filed his civil litigation complaint seeking damages.

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<sup>22</sup> Attachment 14, Case# 17CXXXX

<sup>23</sup> Attachment 48

<sup>24</sup> Attachment 26

When weighing the credibility of all involved, COPA found the accounts of the involved officers to be more credible than that of Subject 1. Subject 1's claims of excessive force arose only from a civil lawsuit. COPA opines that the amount of time that elapsed before Subject 1 made these claims and the desire for damages shows a motivation to lie and bias against the officers. Moreover, Officer D was not involved at all in the surveillance of Subject 1 and by happenstance was hit by Subject 1's car. He clearly corroborates the accounts of the arresting officers. COPA believes it is more likely than not that Subject 1 received his abrasions and the laceration to his forehead at the right eyebrow in an altercation prior to his arrest and/or during the car accident that he caused when he fled officers.

COPA's burden of proof is based on the preponderance of evidence standard. Based upon the evaluation of the evidence, COPA recommends these allegations be Unfounded.

## VII. CONCLUSION

Based on the analysis set forth above, COPA makes the following findings:

Officer	Allegation	Finding
Officer Sgt. A	1. It is alleged that on or about July 22, 2015, at XXXX W. 87 <sup>th</sup> St., Hometown, IL, at approximately 9:00 PM, Sgt. A kicked, punched, and hit upon the body of Subject 1 causing injury in violation of Rules 8 and 9.	Unfounded
Officer A	1. It is alleged that on or about July 22, 2015, at XXXX W. 87 <sup>th</sup> St., Hometown, IL, at approximately 9:00 PM, Sgt. A kicked, punched, and hit upon the body of Subject 1 causing injury in violation of Rules 8 and 9.	Unfounded
Detective A	1. It is alleged that on or about July 22, 2015, at XXXX W. 87 <sup>th</sup> St., Hometown, IL, at approximately 9:00 PM, Sgt. A kicked, punched, and hit upon the body of Subject 1 causing injury in violation of Rules 8 and 9.	Unfounded
Officer B	1. It is alleged that on or about July 22, 2015, at XXXX W. 87 <sup>th</sup> St., Hometown, IL, at approximately 9:00 PM, Officer B kicked, punched, and hit upon the body of Subject 1 causing injury in violation of Rules 8 and 9.	Unfounded
Officer C	1. It is alleged that on or about July 22, 2015, at XXXX W. 87 <sup>th</sup> St., Hometown, IL, at approximately 9:00 PM, Officer B kicked, punched, and hit upon the body of Subject 1 causing injury in violation of Rules 8 and 9.	Unfounded

Approved:

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Deputy Chief 1

*Acting Deputy Chief Administrator*

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Date

**Appendix A**

## Assigned Investigative Staff

<b>Squad#:</b>	X
<b>Investigator:</b>	Investigator 1
<b>Supervising Investigator:</b>	Supervising Investigator 1
<b>Acting Deputy Chief Administrator:</b>	Deputy Chief 1